

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 464**

**Introduced by Assembly Member Levine**

February 14, 2003

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An act to add Sections 1586.5, ~~1586.6, 1586.7, and 1586.8~~ 1586.6, and 1586.7 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 464, as amended, Levine. Adult day health care centers.

Existing law provides for the implementation of adult day health care center oversight by the State Department of Health Services, and authorizes that department to enter into an interagency agreement with the California Department of Aging for the administration of that program. Existing law establishes standards for the licensure of adult day health care centers.

This bill would set forth staffing ~~and respite care~~ requirements for adult day health care centers. *This bill would prohibit an adult day health care center from requiring family members to attend or assist the participant with activities of daily living. This bill would also prohibit these centers an adult day health care center from discriminating on the basis of physical or mental disabilities. This bill would require adult day health care centers to be in operation, at a minimum, 5 days a week and 8 hours per day, and to provide direct client care, at a minimum, for 6 hours per day, except as provided. It would, however, authorize an adult day health care center medical clinician to refer a patient to a different facility if he or she, in good faith and through the exercise of reasonable*

*medical judgment, deems that the needs of the participant are best met at a different facility.*

Under existing law, any person who negligently, repeatedly, or willfully violates the provisions of law relating to adult day health care facilities is guilty of a misdemeanor.

Because this bill would change the definition of a crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1586.5 is added to the Health and Safety  
2 Code, to read:

3 ~~1586.5.—The following staffing requirements shall apply to all~~  
4 ~~adult day health care centers:~~

5 ~~(a)—~~

6 1586.5. Adult day health care centers shall be staffed with  
7 program aides, with a minimum ratio of one aide for every  
8 increment of eight persons in average daily attendance at a center.

9 ~~(b) Physical and occupational therapies and therapy groups~~  
10 ~~offered in adult day health care centers shall only be provided by~~  
11 ~~graduates of occupational and physical therapy curriculums, who~~  
12 ~~are licensed by the Physical Therapy Examining Committee or the~~  
13 ~~American Occupational Therapy Association.~~

14 SEC. 2. Section 1586.6 is added to the Health and Safety  
15 Code, to read:

16 1586.6. Adult day health care centers ~~shall offer respite care~~  
17 ~~to impaired individuals on one or several days during the week,~~  
18 ~~and~~ may not require family members to attend or assist the  
19 participant with activities of daily living ~~while this respite care is~~  
20 ~~being provided.~~

21 SEC. 3. Section 1586.7 is added to the Health and Safety  
22 Code, to read:

1 1586.7. (a) Adult day health care centers may not  
2 discriminate on the basis of physical or mental disabilities. Centers  
3 shall accommodate individuals with physical disabilities by  
4 ensuring access to bathrooms, hallways, and door entrances, and  
5 by providing safe and adequate parking and passenger loading  
6 areas. All staff at centers shall be trained and able to interact with  
7 participants with physical disabilities.

8 (b) *Notwithstanding subdivision (a), an adult day health care*  
9 *center medical clinician may refer a participant to a different*  
10 *facility if he or she, in good faith and through the exercise of*  
11 *reasonable medical judgment, deems that the patient's needs are*  
12 *best met at a different facility, except that this subdivision shall not*  
13 *be construed to permit the center to refuse to provide any services*  
14 *to the participant.*

15 ~~SEC. 4. Section 1586.8 is added to the Health and Safety~~  
16 ~~Code, to read:~~

17 ~~1586.8. (a) To accommodate participant and caregiver~~  
18 ~~needs, adult day health care centers shall be in operation, at a~~  
19 ~~minimum, five days a week and eight hours per day, and shall~~  
20 ~~provide direct client care, at a minimum, for six hours per day.~~

21 ~~(b) An adult day health center may apply to the department for~~  
22 ~~a waiver from the requirements of subdivision (a) upon a showing~~  
23 ~~of hardship to be determined at the discretion of the department.~~

24 ~~SEC. 5.—~~

25 *SEC. 4.* No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.